

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 17, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN MICHAEL TRIANO,

Defendant.

No. 2:22-CR-00137-MKD-1

PROTECTIVE ORDER

ECF NO. 20

Before the Court is the United States' Unopposed Motion for Protective Order, ECF No. 20. The United States seeks an order to protect against dissemination of certain discovery materials that are sensitive. *See* ECF No. 20 at 1. The United States indicates the sensitive information contains, but is not limited to, social security numbers, driver's license numbers, taxpayer identification numbers and other tax information, dates of birth, addresses, phone numbers, and email addresses. ECF No. 20 at 2. The United States represents the discovery is voluminous, so it would be impractical for the United States to redact all of the sensitive information. ECF No. 20 at 2. The United States also represents that

1 redacting such information “will place undue burdens on defense counsel in terms
2 of reading and understanding discovery materials and in preparing for trial.” ECF
3 No. 20 at 2. It also reassures the Court that “[t]he protections sought by the United
4 States will not impede Defendant Triano’s ability to prepare a defense, but merely
5 will protect against the improper dissemination and use of the sensitive
6 information.” ECF No. 20 at 2. Defendant does not object to the issuance of the
7 protective order. ECF No. 20 at 1.

8 The Court has reviewed the unopposed motion and the record and is fully
9 informed. The Court finds good cause under Fed. R. Crim. P. 16(d)(1) for a
10 protection order to issue in this matter.

11 **IT IS HEREBY ORDERED:**

- 12 **1. The United States’ Unopposed Motion for Protective Order, ECF No. 20, is**
13 **GRANTED.**

PROTECTIVE ORDER

1. The United States is authorized to disclose the discovery including sensitive information and materials (hereinafter “Discovery”) in its possession pursuant to the discovery obligations imposed by this Court.
2. Government personnel and Defense Counsel, shall not provide, or make available, the sensitive information in the Discovery to any person except as specified in the Order or by approval from this Court. Defense Counsel and the United States shall restrict access to the Discovery. Defense Counsel shall only disclose the sensitive information in the Discovery to Defendant, office staff, investigators, independent paralegals, necessary third-party vendors, consultants, and/or anticipated fact or expert witnesses to the extent that defense counsel believes is necessary to assist in the defense of Defendant in this matter or that the United States believes is necessary in the investigation and prosecution of this matter. No copies of Discovery shall be left with Defendant.
3. Third parties contracted by the United States or Defense Counsel to provide expert analysis or testimony may possess and inspect the sensitive information in the Discovery, but only as necessary to perform their case-related duties or responsibilities in this matter. At all times, third parties shall be subject to the terms of the Order.

- 1 4. Discovery in this matter will be available to Defense Counsel via access to a
2 case file on USA File Exchange. If it is necessary to review discovery with
3 Defendant, Defense Counsel may download the discovery and duplicate
4 only once. Discovery materials may not be left in the possession of
5 Defendant. In order to provide discovery to a necessary third-party vendor,
6 consultant, and/or anticipated fact or expert witness, Defense Counsel may
7 duplicate the discovery only once. No other copies may be made, by
8 Defense Counsel or Defendant, without prior approval from this Court.
- 9 5. All counsel of record in this matter, including counsel for the United States,
10 shall ensure that any party, including Defendant, that obtains access to the
11 Discovery, is provided a copy of this Order. No other party that obtains
12 access to or possession of the Discovery containing sensitive information
13 shall retain such access to or possession of the Discovery containing
14 sensitive information unless authorized by this Order, nor further
15 disseminate such Discovery except as authorized by this Order or the further
16 Order of this court. Any other party that obtains access to, or possession of,
17 the Discovery containing discovery information once the other party no
18 longer requires access to or possession of such Discovery shall promptly
19 destroy or return the Discovery once access to Discovery is no longer
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1 necessary. For purposes of this Order, “other party” is any person other than
2 appointed counsel for the United States or Defense Counsel.

3 6. All counsel of record, including counsel for the United States, shall keep a
4 list of the identity of each person to whom the Discovery containing
5 sensitive information is disclosed and who was advised of the requirements
6 of this Order. Neither Defense Counsel nor counsel for the United States
7 shall be required to disclose this list of persons unless ordered to do so by
8 the Court.

9 7. Upon entry of a final order of the Court in this matter and conclusion of any
10 direct appeals, government personnel and Defense Counsel shall retrieve and
11 destroy all copies of the Discovery containing sensitive information, except
12 that Defense Counsel and government personnel may maintain copies in
13 their closed files following their customary procedures.

14 8. Government personnel and Defense Counsel shall promptly report to the
15 Court any known violations of this Order.

16 9. This Protective Order only applies to “sensitive information” pertaining to
17 the search warrants sought and obtained by the Government and records
18 responsive thereto.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
3 Service.

4 **DATED** January 17, 2023.

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6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES DISTRICT JUDGE
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